

## **BYLAWS**

### **ARTICLE I CREATION**

The York County Planning Commission was created on the 29th day of July, 1952, in and for the County of York pursuant to the provisions of Title 15.2, Chapter 22, *Code of Virginia*, 1950, as amended (previously codified as *Title 15.1, Chapter 11, Code of Virginia, 1950, as amended*), and shall execute its responsibility in a manner consistent with the provisions contained therein. The Commission is known as the "York County Planning Commission." The Commission and its proceedings shall be governed by the general rules of parliamentary procedure (*Robert's Rules of Order, Newly Revised*) as applicable to small boards unless otherwise provided by these rules of procedure or applicable state law.

### **ARTICLE II PURPOSE OF COMMISSION**

#### **SECTION 1. GENERAL MISSION STATEMENT**

It is the mission of the Planning Commission to serve as an advisory body on land use and development issues to the Board of Supervisors, to effectuate the duties and responsibilities as set forth in the state enabling legislation and County Code, and to facilitate community participation and public interest in planning for York County.

#### **SECTION 2. SPECIFIC DUTIES OF COMMISSION**

(As set forth in §15.2-2221. Duties of commissions, *Code of Virginia*)

The Commission shall:

- (a) Exercise general supervision of, and make regulations for, the administration of its affairs;
- (b) Prescribe rules pertaining to its deliberations and hearings;
- (c) Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;
- (d) Keep a complete record of its proceedings and be responsible for the custody and preservation of its papers and documents;

- (e) Make recommendations and an annual report to the governing body concerning the operation of the Commission and the status of planning within York County.
- (f) Prepare, publish and distribute reports, ordinances and other material relating to its activities.
- (g) Prepare and submit an annual budget in the manner prescribed by the governing body of the County; and
- (h) If deemed advisable, establish an advisory committee or committees.

### **ARTICLE III OFFICERS**

#### **SECTION 1. ELECTION OF OFFICERS**

The Commission shall, annually at the regular meeting in July, elect from its appointed members a Chair and Vice Chair whose terms shall be for one year or until a successor takes office. In the event the office of Chair becomes vacant, the Vice Chair automatically becomes Chair and the office of Vice Chair becomes vacant. The Commission shall then, after a new member has been appointed, elect from its members a new Vice Chair. In the event the office of Chair shall become vacant at a time when there is no Vice Chair, the Commission shall elect from its members both a Chair and Vice Chair. A County staff member shall serve, in addition to his or her regular duties, as Secretary of the Commission.

#### **SECTION 2. DUTIES OF OFFICERS**

- (a) The Chair shall:
  - (1) Preside at all hearings and meetings.
  - (2) Appoint all committees.
  - (3) Be informed immediately of any official communication, and report the same at the next regular Commission meeting.
  - (4) Certify all minutes, and other documents as necessary, as true and correct copies.
  - (5) Carry out other duties as assigned by the Board of Supervisors.

- (b) The Vice Chair shall:
  - (1) Serve as aide to the Chair.
  - (2) Preside when the Chair is absent or when called upon by the Chair, with the full powers of the Chair.
  - (3) Represent the Chair upon request.
  - (4) Assist in providing orientation to new Planning Commission members.
  - (5) Assume duties of the Chair if necessary due to resignation, extended illness, or death.
  - (6) Carry out other duties as assigned by the Commission.
- (c) The Secretary shall:
  - (1) Record attendance at all meetings.
  - (2) Record the minutes of the Commission meetings.
  - (3) Notify all members of all meetings.
  - (4) Maintain a file of all official Commission records and reports.
  - (5) Ensure that any correspondence addressed to the Commission is promptly transmitted to the Chair and/or other members as appropriate.
  - (6) Prepare for publication all public notices for Commission public hearings.
  - (7) Notify property owners and adjacent property owners regarding applications for changes of zoning, Special Use Permits, and special exceptions.
- (d) The Planning Commission shall depend on the County staff member assigned by the County Administrator as the Planning Commission liaison to fulfill the following functions:
  - (1) Direct and coordinate activities of County staff so as to facilitate the functioning of the Planning Commission.

- (2) Receive and respond to questions from Planning Commissioners.
- (3) Receive and respond as appropriate to correspondence or inquiries from the public regarding Planning Commission matters.
- (4) Ensure that the actions and recommendations of the Planning Commission are properly and appropriately transmitted to the requisite person, body, or agency.

(e) **CHAIR *PRO TEM***

Where both the Chair and Vice Chair are absent from a hearing or meeting, the remaining members of the Commission shall elect a Chair *Pro tem* from among their own number by majority vote.

<b>ARTICLE IV</b> <b>CONDUCT OF THE MEMBERS OF THE PLANNING COMMISSION</b>
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- (a) Members of the Planning Commission shall take such time as necessary to prepare themselves for hearings and meetings.
- (b) Planning Commission members shall comply at all times with the Virginia State and Local Conflict of Interest Act (*Code of Virginia* § 2.2-3100 et. seq., 1950, as amended, hereinafter “the Act”). A Planning Commission member with a personal interest (as defined in *Code of Virginia* § 2.2-3101) in any transaction or matter coming before the Commission must disclose his personal interest in accordance with the Act. The member shall disqualify himself from participating in the matter if the matter has application solely to property or a business in which the Commission member has a personal interest, or is otherwise unable to participate by virtue of the Act. Nonetheless, a member may participate in the Commission’s deliberations and vote on the matter if the Commission member is a member of a business, profession, occupation or group, the members of which are affected by the matter under consideration, and the Commission member complies with the declaration requirements of the *Code of Virginia*, § 2.2-3115(G). The member may also participate in the matter under consideration if the matter affects the public generally, even though the personal interest of the Commission member, as a member of the public, may also be affected. In the event that a personal interest shall prevent a Commission member from participating in the Commission’s actions on a matter, the interests of that Planning Commission member may be represented before the Commission by a specifically designated representative or legal agent at the public hearing or work session, and testimony

entered into the public record. Further, the Commission member shall, if required by the Act, complete a written declaration of the conflict in the form specified by the Code of Virginia, such declaration to be kept with the minutes of the meeting.

**ARTICLE V  
MEETINGS  
(As set forth in §15.2-2214, Code of Virginia)**

**SECTION 1.        REGULAR MEETINGS**

- (a) The Planning Commission shall meet in regular session on the second Wednesday of each month at 7:00 p.m. in York Hall, 301 Main Street, Yorktown, Virginia. In the event such date falls on a legal holiday, the meeting shall be held on the third Wednesday of the month unless otherwise provided by resolution of the Commission. If the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for the Commission to attend a regularly scheduled meeting, the meeting shall be continued to the following Wednesday at 7:00 p.m. in York Hall. Such finding shall be communicated to the members of the Commission and the press as promptly as possible. All public hearings and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required. With due and proper public notice, the Commission may, upon occasion, meet at some other time or place, within the boundaries of York County.
- (b) Persons wishing to address or make a presentation to the Commission, other than during a public hearing or a designated citizen comment period, shall request such privilege in writing at least fourteen (14) days prior to the meeting date. The Chair shall decide whether to approve the request. The requirement for an advance written request may be waived by the Chair at his or her discretion.
- (c) Order of Business (Regular Meetings)

At regular meetings of the Commission, business shall be conducted in the following manner:

- 1. Call to order
- 2. Roll call
- 3. Approval of minutes of the last meeting(s)
- 4. Citizen comment period

5. Presentations, if pre-approved as discussed in subsection (b) above and appearing on the agenda.
6. Public hearing(s). Each application shall have a separate public hearing, the order of which is defined in Article V, Section 4. However, the Chair may elect to conduct concurrent public hearings on related applications provided that separate actions (motion and vote) are taken on each.
7. Old business
8. New business
9. Staff reports
10. Committee reports
11. Commission reports and requests
12. Future business
13. Adjournment

## **SECTION 2. PUBLIC HEARINGS**

Public hearings are open to the public and citizens are encouraged to speak. The purpose of hearings is to receive testimony from the public and members of the Commission are not expected to respond to general questions. Response to questions shall be made at the discretion of the Chair. In addition to those required by law, the Commission may hold public hearings on any matter referred to the Commission by the Board or on other planning issues in the interest of York County citizens.

- (a) Notice of public hearing shall be provided in accordance with §15.2-2204, *Code of Virginia*, and may be supplemented with additional notices as deemed appropriate by the Commission or staff.
- (b) Members of the public or their representatives wishing to address the Commission shall proceed to the appointed place, clearly state their names and addresses, and shall be subject to the following time limitations: ten (10) minutes total for the applicant and any of its representatives; three (3) minutes per individual for all others. The Chair may, at his or her discretion, allow additional time for speakers.
- (c) Members of the Commission shall limit their comments to ensure public participation without Commission interference. At the completion of each presentation, members of the Commission, upon being recognized by the Chair,

shall have an opportunity to ask questions or clarify points made during the speaker's presentation.

- (d) Written testimony may be submitted to the Commission either prior to or at the public hearing. Written comments should be submitted at least one (1) week prior to the hearing in order to ensure distribution to the individual Commission members in time for prior review. The Commission may establish a time to receive written testimony in addition to or in lieu of public appearance. Such written testimony thus received shall become part of the public record.
- (e) At the conclusion of the hearing on each item, the Commission shall proceed with its deliberation on that item and members shall have an additional opportunity for discussion, and then a vote shall be taken. After discussion, upon request by two members of the Commission in cases where additional time for data gathering, analysis and/or further consideration is warranted, the Chair may defer final action until later in the meeting and then proceed to other agenda items. Continuing an item to another meeting shall only occur upon motion and vote of the Commission properly made and the motion shall specify the date when the item will again be considered.

### **SECTION 3. ORDER OF PUBLIC HEARING**

Public hearings shall be conducted in the following order. Sign-in forms shall be provided for persons wishing to speak, requesting name and address of speaker and application number of the issue to be addressed. At the conclusion of comments by persons who completed sign-in forms, the Chair shall offer an opportunity for others who did not sign up to speak.

- (a) Presentation by staff summarizing the item.
- (b) Members' questions of staff, upon recognition by the Chair.
- (c) Chair opens the public hearing
- (d) Presentation by applicant.
- (e) Questions of applicant by Commission members, upon recognition of the Chair.
- (f) Testimony of citizens wishing to speak. Each speaker shall be limited to one comment period unless the Chair calls upon a previous speaker for clarification or to answer a specific question of the Commission.
- (g) Chair closes the public hearing.
- (h) Questions of staff by Commission members, upon recognition of the Chair.
- (i) Discussion by Commission members.

- (j) Motion
- (k) Roll call vote

#### **SECTION 4. SPECIAL MEETINGS AND WORK SESSIONS**

- (a) Special meetings or work sessions of the Planning Commission may be called when necessary by the Chair or by any two members upon written request to the Secretary. At least five (5) days in advance of a special meeting or work session, the Secretary shall mail to all members, and post in a conspicuous public place, a written notice fixing the time, place and purpose of the meeting thereof. However, written notice of a special meeting or work session is not required if the time of the special meeting or work session has been fixed at a regular meeting.
- (b) Formal rules of procedure may be suspended for Planning Commission special meetings or work sessions.
- (c) The order of business at special meetings or work sessions shall be in accordance with the agenda prepared by the Secretary for such special meetings.

#### **SECTION 5. RECORD OF MEETINGS**

The Planning Commission shall keep a record (minutes) of all of its proceedings and this record shall be available for public inspection at the office of the Planning Division during normal working hours.

<p style="text-align: center;"><b>ARTICLE VI</b> <b>CONDUCT OF PERSONS BEFORE THE PLANNING COMMISSION</b></p>
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- (a) During all regular and special meetings of the Planning Commission, the public may be present and a specific time shall be reserved for receipt of public comments. At other times, the public shall remain silent unless specifically invited by the Chair to provide comment.
- (b) Comments should be addressed to the item before the Planning Commission. Where a comment is irrelevant, inflammatory, or prejudicial, the Chair may instruct the Planning Commissioners to “disregard” the comment, which nevertheless remains in the public record.
- (c) During all work sessions of the Planning Commission, the public may be present but shall remain silent unless specifically invited by the Chair to provide comment.



- (d) During all Planning Commission proceedings, members of the public have the obligation to remain in civil order. Any conduct that interferes with the equitable rights of another to provide comment or which interferes with a proper execution of Commission affairs may be ruled by the Chair as "out-of-order" and the offending person be directed by the Chair to remain silent. Once having been so directed, if a person persists in disruptive conduct, the Chair may entertain a motion to "eject" that individual from the Planning Commission hearing or meeting. Where the person fails to comply with the successful motion to eject, the Chair may then call upon civil authority to physically remove the individual from the meeting place for the duration of hearing or deliberation on that item.

## **ARTICLE VII COMMITTEES**

Standing or special committees may be established by the Planning Commission to make studies or carry out functions of the Commission; the members of the committees shall be appointed by the Chair for the purposes and terms approved.

## **ARTICLE VIII VOTING**

### **SECTION 1. QUORUM** (As set forth in §15.2-2215, *Code of Virginia*)

A majority of the members shall constitute a quorum and no action of the Planning Commission shall be valid unless authorized by a majority vote of those present and voting. Unless otherwise specified by the Chair, at his or her discretion, actions shall be by *viva voce* vote with the vote of each member recorded in the minutes.

### **SECTION 2. LACK OF QUORUM**

If a quorum is not present at the time set for the meeting, the Chair or Chair *Pro tem* shall wait until there is a quorum. If no quorum is present after a reasonable time, and there appears to be no prospect that a quorum will assemble, then the Chair or Chair *Pro tem* shall call the meeting to order, announce the absence of a quorum, and entertain a motion to adjourn.

### **SECTION 3. TIE VOTE**

In the event of a tie vote, the motion shall have been defeated. In accordance with *Robert's Rules of Order, Newly Revised*, any motion to reconsider the issue must be made by one of the Commissioners who voted on the prevailing side (i.e., to defeat) on

the original motion. The motion to reconsider must be made at the same session at which the original vote was taken. For purposes of this section, a continuation of a meeting to a date different than the date on which the original vote was taken shall not be deemed part of the same session at which the vote was taken.

## **ARTICLE IX INSTRUMENTS AND DOCUMENTS OF THE PLANNING COMMISSION**

The official instruments of the Planning Commission are the record of notice, the agenda, adopted resolutions, and the minutes of hearings and meetings. Where the Planning Commission provides advice to the legislative body or administrative agency, it does so by resolution. Any and all materials submitted to the Commission regarding an item shall be available for inspection by the public unless they are protected from disclosure by applicable provisions of the *Code of Virginia*. All notices, agendas, requests, agency or consultant letters or reports, citizen petitions, staff reports, minutes of hearings and meetings, and resolutions shall constitute the documents of the Planning Commission and shall be made a matter of public record.

## **ARTICLE X TRANSACTION OF BUSINESS**

### **SECTION 1. PARLIAMENTARY AUTHORITY**

Parliamentarian for the Commission shall be the County Attorney, or his or her designee. Parliamentary procedure at Commission meetings shall be governed by the most recent edition of *Robert's Rules of Order, Newly Revised*, as applicable to boards, except to the extent set out otherwise in these bylaws.

### **SECTION 2. SUSPENSION OF RULES**

No rule of the Commission shall be suspended without the concurrence of three-fourths of the members present and such suspension shall be limited to the meeting then in progress.

### **SECTION 3. AGENDA**

The activities at any regular meeting of the Commission shall be in accordance with a formal agenda. Such agenda shall be distributed to the Commission and made available to the public prior to each meeting.

#### **SECTION 4.           AMENDMENTS TO AGENDA**

Agendas may be amended and/or items added or deleted from the agenda, by majority concurrence of the members.

#### **ARTICLE XI SEPARABILITY**

Should any article of the Commission bylaws be found to be illegal, the remaining articles shall remain in effect.

#### **ARTICLE XII MODIFICATION OF BYLAWS**

Modification of these Bylaws shall be approved by the Commission in regular session. Proposals for modification shall be submitted to the Commission at a regular meeting and shall be scheduled for consideration and action at the next regular meeting. An affirmative vote of two-thirds of the entire Commission shall be required to modify the Bylaws.